IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11514 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRITESH SOMABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR AM PAREKH for Petitioner

MS PJ DAVAWALA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. Rule. Ms. P.J. Davawala learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondent.

2. The petitioner has filed this petition for a

direction to the respondent - Regional Passport Officer, Ahmedabad for correction of place of birth of the petitioner in the Passport bearing International Passport No.H-301814 issued by the respondent on 23/5/1990. The learned counsel for the petitioner has submitted that in the passport issued by the respondent to the petitioner, place of birth of the petitioner has been erroneously mentioned as Ahmedabad. The learned counsel for the petitioner submitted that the petitioner has been borne at Dehgam and in support of his contention, the learned counsel has furnished a copy of the Birth Certificate issued by the Chief Officer, Dehgam Nagar Palika. It is also submitted by the learned counsel for the petitioner that the petitioner has filed a representation to the respondent - Regional Passport Officer, Ahmedabad for correction of the place of birth of the petitioner in the passport in view of the birth certificate issued by the Chief Officer Dehgam Nagar Palika, but the same is still pending before the respondent and he is not considering the said representation hence this petition.

3. I have heard Ms. Davawala, learned Additional Central Government Standing Counsel for the respondent. She has submitted that if the petitioner submits the original genuine documents regarding his place of birth, then the same may consider and necessary correction may be carried out in the passport as per the Birth Certificate issued by the Chief Officer, Dehgam Nagar Palika. It seems that the birth place of the petitioner is Dehgam and the certificate to that effect of the Chief Officer, Dehgam Nagar Palika is also produced on record and therefore I am of the view that the respondent should give weight to the birth certificate issued by the local authority i.e. Chief Officer, Dehgam Nagar Palika. Accordingly the petitioner may produce all relevant documents before the respondent and if such documents are produced, the respondent is directed to consider the same and pass appropriate order correcting the place of birth of the petitioner immediately preferably within two weeks from the date of receipt of this order. Since the error has been committed at the instance of the petitioner in the passport, the respondent cannot be held responsible for such mistake. If the respondent Regional Passport Officer, after being satisfied makes necessary correction of the place of birth of the petitioner, in that event, the petitioner shall pay a sum of Rs.1500/to the respondent for such correction.

4. With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

Rafik